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7 Attorneys for Plaintiff  
8 ECOLOGICAL RIGHTS FOUNDATION

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 ECOLOGICAL RIGHTS FOUNDATION, a  
15 non-profit corporation,

16 Civil Case No. 3:20-cv-06898-SI

17 v.

18 UNITED STATES ENVIRONMENTAL  
19 PROTECTION AGENCY,

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**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE DEADLINES  
FOR ADDITIONAL BRIEFING (RE:  
DKT. 54)**

Defendant.

1 Pursuant to Local Civil Rules 6-2 and 7-12, the parties, through the undersigned  
2 counsel, submit the following stipulation to continue the deadline for filing any motion  
3 for attorneys' fees and costs under Federal Rules of Civil Procedure 54(d)(2) for 67 days.  
4 To that end, the parties request that the deadline to file a motion for attorneys' fees and  
5 costs be continued from August 4, 2023 (30 days after the U.S. Court of Appeals for the  
6 Ninth Circuit issues a decision on the appeal) to October 10, 2023. (Dkt 54).

7 WHEREAS, the Court issued its judgment in this matter on June 15, 2022 (Dkt.  
8 50).

9 WHEREAS, Federal Rule of Civil Procedure 54(d)(2) generally provides a 14-day  
10 deadline from the entry of judgment for a party to file a motion for attorneys' fees and  
11 costs.

12 WHEREAS, on June 27, 2022, the Court granted a stipulation to continue the  
13 deadline for a motion for attorneys' fees and costs under Federal Rule of Civil Procedure  
14 54(d)(2) to 30 days after the U.S. Court of Appeals for the Ninth Circuit issues a decision  
15 on the appeal. (Dkt. 54).

16 WHEREAS, Plaintiff appealed the Court's June 15, 2022 judgment on June 23,  
17 2022 and the Ninth Circuit rendered its decision denying Plaintiff's appeal on July 5,  
18 2023, thus rendering any motion for attorneys' fees and costs due on August 4, 3023.  
19 (Dkts. 51, 55, 56).

20 WHEREAS, Defendant contends that Plaintiff is neither eligible for nor entitled to  
21 any award of attorneys' fees and costs in this matter;

22 WHEREAS, the parties have agreed to confer on the issue of attorneys' fees; and

23 WHEREAS, the additional time will allow the parties an opportunity to attempt to  
24 resolve any remaining issues related to attorneys' fees and costs, if any, without further  
25 Court involvement, or in the alternative to file any necessary motions. As such, it is  
26 hereby stipulated by and between the parties that the deadline to file a motion for  
27 attorneys' fees and costs be continued such that the motion deadline shall be October 10,  
28 2023. This is the parties' second request for a continuation of the deadline to file any

1 motions for attorneys' fees and costs and the parties do not anticipate that this request  
2 will impact the case management schedule in this matter.

3 IT IS SO STIPULATED.

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5 DATED: July 26, 2023

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7 ECOLOGICAL RIGHTS FOUNDATION

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10 By: /s/ Stuart Wilcox  
11 STUART N. WILCOX

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13 Attorney for Plaintiff

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15 DATED: July 26, 2023

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17 Respectfully submitted,  
18 ISMAIL J. RAMSEY  
19 United States Attorney

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## [PROPOSED] ORDER

PURSUANT TO STIPULATION, any motion for attorneys' fees pursuant to Federal Rule of Civil Procedure 54(d)(2) is continued to October 10, 2023.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

THE HONORABLE SUSAN ILLSTON  
United States District Judge